

## PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, May 18, 2010 – 7:00 p.m.  
City Hall Chambers - 8150 Barbara Avenue

Chair Bartholomew called the Planning Commission meeting to order at 7:00 p.m.

Commissioners Present: Tom Bartholomew  
Paul Hark  
Dennis Wippermann  
Christine Koch  
Damon Roth  
Harold Gooch

Commissioners Absent: Tony Scales (excused)  
Pat Simon (excused)  
Mike Schaeffer

Others Present: Allan Hunting, City Planner  
Tom Link, Community Development Director

### **APPROVAL OF MINUTES**

The minutes from the May 4, 2010 meeting were approved as submitted.

### **SUPERSTOP – CASE NO. 10-16ZC**

#### **Reading of Notice**

Commissioner Hark read the public hearing notice to consider the request for a rezoning from B-2, Neighborhood Business to B-3, General Business, and a Conditional Use Permit to allow outdoor storage of U-Haul vehicles for the property located at 7030 Cahill Avenue. 34 notices were mailed.

#### **Presentation of Request**

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant purchased the property in February 2010 and was unaware that the previous owner was operating the rental business without proper City approvals. After receiving notice of the violation, the applicant submitted the rezoning and conditional use permit request to bring the property into compliance. He advised that the lot is currently zoned B-2 which does not allow outdoor storage; therefore the applicant is requesting the lot be rezoned to B-3. He advised that the Holiday Gas Station to the north is zoned B-3, Simons Appliance to the south is zoned B-2, and the properties on the west side of Cahill are zoned B-1. Staff feels that B-3 would be consistent with the existing uses in the neighborhood and the City's Comprehensive Plan. Staff is recommending there be no more than ten vehicles on the site, that they be parked along the east property line, and that the parking lot be striped. Mr. Hunting advised that City Code requires screening when a business use is adjacent to residential property and therefore staff is recommending solid screening along the eastern property line. Staff recommends approval of the request with the conditions listed in the report.

Chair Bartholomew questioned whether the trucks parked at the business to the south, Simons Appliance, would be considered outdoor storage.

Mr. Hunting replied that typically a conditional use permit was required for the parking of business trucks, but he did not recall the history of that particular property and whether or not they had a conditional use permit for outdoor storage.

Chair Bartholomew asked if staff had ever received complaints regarding outdoor storage at Simons Appliance, to which Mr. Hunting replied none that he was aware of.

Chair Bartholomew stated that although parking was supposed to be on the east side of the site, he had occasionally seen vehicles parked on the north side. He asked how long the previous owner had been operating the U-Haul rental service on the subject site.

Mr. Hunting replied it had been operating on and off for approximately five years. He stated staff would send letters to the previous owner, the U-Hauls would then disappear, and then the owners would eventually bring them back.

Chair Bartholomew asked if staff received any responses from the neighbors.

Mr. Hunting replied staff received only one inquiry from a resident who was concerned about the rezoning and wanted to keep the area residential. Heather Botten advised the resident that the property was already zoned commercial, and this was a request to change it to a different commercial zoning.

Commissioner Wippermann asked what the Code requirements were for the height of the proposed solid screening, to which Mr. Hunting replied the fencing needed to be a minimum of five feet and a maximum of seven feet in height.

Commissioner Wippermann recommended the proposed screening be higher than the existing fence on the east property line to better screen the U-Hauls from the neighboring resident. He asked if staff knew the history of the B-3 zoning to the north, stating that technically the Holiday Gas Station would not need B-3 zoning to operate.

Mr. Hunting replied that Commissioner Wippermann was correct in that gas stations were allowed in the B-2 district, and he stated he was unaware of the history as to why the Holiday Gas Station property was zoned B-3.

Commissioner Hark asked if there were any complaints received from neighbors over the years regarding the operation that was run by the previous owners.

Mr. Hunting replied the only complaint he was aware of came from a past Planning Commission member.

### **Opening of Public Hearing**

The applicant, Miguel Mendoza, Minneapolis, advised he was available to answer any questions.

Chair Bartholomew asked if the applicant was in agreement with the conditions listed in the report, particularly Condition 7 regarding storage of U-Hauls along the eastern property line, to which Mr. Mendoza replied in the affirmative.

In response to Chair Bartholomew's earlier comment that U-Hauls were sometimes parked on the north side, Mr. Mendoza explained that vehicles were sometimes returned by customers to the north side and not moved right away to the back if they were busy.

Chair Bartholomew asked if the applicant would be agreeable to building a seven foot fence, to which Mr. Mendoza replied in the affirmative.

### **Planning Commission Discussion**

Chair Bartholomew stated he supported a recommendation that the fence be seven feet in height.

**Planning Commission Recommendation**

Motion by Commissioner Gooch, second by Commissioner Koch, to recommend approval of a rezoning of the property from B-2, Neighborhood Business to B-3, General Business, and a Conditional Use Permit to allow outdoor storage of vehicles, **with an amendment to Condition 8 requiring that the fence be seven feet in height**, for the property located at 7030 Cahill Avenue.

Commissioner Wippermann stated he did not support the request as he considered this a residential area and felt B-3 zoning was incompatible. He stated the Holiday Gas Station was the only existing property zoned B-3 in the area; however, that use would have been allowed in the B-2 district. He stated he would prefer to change the Holiday Gas Station property to a less intense use rather than change the Superstop property to B-3.

Chair Bartholomew asked if outdoor storage required a conditional use permit in the B-3 district, to which Mr. Hunting replied in the affirmative.

Commissioner Koch stated that although she understood Commissioner Wippermann's concerns, she felt it would be unfair to deny the applicant the ability to operate the U-Haul business as he purchased it with the understanding that it was an approved use.

Motion carried (5/1 - Wippermann). This item goes to the City Council on June 14, 2010.

**ADJOURNMENT**

Chair Bartholomew adjourned the meeting at 7:20 p.m.

Respectfully submitted,

Kim Fox  
Recording Secretary